

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RETAILMENOT, INC.,)	
)	
Plaintiff and Counterclaim)	C.A. No. 18-937-CFC-MPT
Defendant,)	
)	
v.)	JURY TRIAL DEMANDED
)	
HONEY SCIENCE LLC,)	
)	
Defendant and)	
Counterclaimant.)	
)	
)	

**HONEY SCIENCE LLC’S NOTICE REGARDING D.I. 218
(R&R RE STAY) AND PTAB DECISIONS DENYING INSTITUTION OF
RETAILMENOT’S PETITIONS FOR PGR AND IPR
OF HONEY’S ’625 PATENT**

Of Counsel:

Morgan Chu
Richard M. Birnholz
Samuel K. Lu
Keith A. Orso
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4211
(310) 277-1010
mchu@irell.com
rbirnholz@irell.com
slu@irell.com
korso@irell.com

Kelly E. Farnan (#4395)
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7705
farnan@rlf.com

*Attorneys for Defendant and
Counterclaimant Honey Science LLC*

Dated: March 10, 2020

Defendant and counterclaimant Honey Science LLC (“Honey”) respectfully submits this notice to inform the Court that the Patent Trial and Appeal Board **denied** institution of all three of RetailMeNot’s petitions for review of Honey’s U.S. Patent No. 10,140,625 (the ’625 patent). The PTAB decisions denying institution are attached as Exhibits A, B, and C to this Notice.

Before the PTAB instituted any of the reviews RMN requested, RMN moved to stay Honey’s counterclaim for infringement of the ’625 patent pending resolution of RMN’s petitions challenging the validity of the ’625 patent. D.I. 148. In January 2020, Chief Magistrate Judge Thyng issued an R&R recommending that the Court grant RMN’s motion to stay Honey’s claims against RMN on Honey’s ’625 patent. D.I. 218. Honey objected to the R&R. D.I. 226. RMN responded to the objections. D.I. 236. In the interim, based on the stay R&R, RMN objected to discovery and any other litigation activity relating to Honey’s ’625 patent counterclaim.

The R&R imposing a pre-institution stay of Honey’s counterclaim on the ’625 patent has now run its course. In light of the PTAB’s denial of institution of all of RMN’s petitions, Honey’s view is that the R&R to stay Honey’s claims against RMN on the ’625 patent expires on its own terms.

On December 20, 2018, the court issued a scheduling order, pursuant to which fact discovery was to close January 17, 2020; opening expert reports are due March 6, 2020; the deadline for expert discovery is May 29, 2020; dispositive motions are

due June 26, 2020; and trial is set for October 26, 2020. D.I. 29. The parties stipulated to certain adjustments, including an opening expert report date of March 27, 2020. D.I. 234.

The parties will need to reassess and adjust the schedule so Honey's claims can resume and proceed accordingly. Honey will confer with RMN on these issues and approach the Court in the event the parties cannot agree.

Of Counsel:

Morgan Chu
Richard M. Birnholz
Samuel K. Lu
Keith A. Orso
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4211
(310) 277-1010
mchu@irell.com
rbirnholz@irell.com
slu@irell.com
korso@irell.com

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com

*Attorneys for Defendant and
Counterclaimant Honey Science LLC*

Dated: March 10, 2020